

Information Note

Communications to the Committee of Ministers (CM) by national human rights institutions (NHRIs) and non-governmental organisations (NGOs)

Introduction

Under CMDH [Rule 9](#) the CM is entitled to consider communications with regard to the execution of judgments from NHRIs and NGOs. They may submit communications “*with regard to the issues relating to the execution of judgments*”. Thus, NHRIs’ and NGOs’ communications may cover both individual and general measures. Most communications relate to issues of substance, but issues of procedure may also be addressed.

Communications are brought to the CM’s attention and published in accordance with a specific time table set out in Rule 9.

Communications can be sent at any time before a case is closed and on any case, irrespective of its classification in standard or enhanced procedure or its inclusion in the order of business of a specific CM meeting (the CM’s supervision is continuous and cases are proposed for more detailed examination (inscribed in the order of business of a specific meeting) only where this is required to address specific issues).¹

I. Timeline for submitting communications under Rule 9 on cases on the agenda of the CMDH meetings

All communications received from NHRIs and NGOs are sent immediately by the Council of Europe Secretariat to the state concerned.

If the state responds within five working days, both the communication and the response are brought to the attention of the CM and made public.

If there is no response within these five days, the communication is transmitted to the CM but is not made public. It is only made public ten working days after it was sent to the state, together with any response received within this time limit.

A state response received after these ten working days is circulated and published separately upon receipt.

¹ In cases where NGOs are legal representatives of the injured party (applicant), under CMDH Rule 9§1 their communications “with regard to payment of the just satisfaction or the taking of individual measures” are to be directly brought to the CM’s attention in an appropriate way.

As a result, NHRIs and NGOs need to ensure that any communication relating to a case due to be examined at a specific CMDH meeting is sent to the Secretariat in due time for the meeting or at least five days before that meeting, to allow it to be taken into consideration by the CM, and more than ten days if the intention is for the communication to be published by the CM.

If the NHRI or NGO wishes to have its communication taken into account in the drafting notes on the agenda prepared by the Secretariat in respect of each case, thus allowing good preparation of the meeting, it is important that communication be submitted well in advance, whenever possible at least five weeks before the CMDH meeting.

II. Possible structure of communications

A. Introduction

In the beginning of the communication, a **brief description** of the case or of the problems revealed (possibly based on the case description text in [HUDOC-EXEC](#)) may be useful to help see the pertinence of the observations/arguments submitted.

Also it is useful to make clear in the beginning of the communication its aim.

For example, is the aim to comment on:

- *the scope and content of the respondent state's action plan;*
- *the implementation of the measures set out in the action plan (e.g. the results obtained or likely to be obtained, respect of time line, manner of approaching problems encountered);*
- *the respondent state's assertion in an action report that execution has been carried out so that the case can be closed;*
- *procedural issues, such as whether the case should be moved by the CM from the standard to the enhanced procedure or rapidly needs a detailed examination, e.g. because of intervening events, etc.*

B. Individual measures (IM)

When drafting, NHRIs and NGOs should bear in mind that the aim of IM is to put an end to on-going violations, so that the consequences of the violations are erased for the injured party, as far as possible - principle of *restitutio in integrum*.

If the NHRI or NGO has **updated information** on IM, it should be included in the communication.

NHRIs and NGOs may wish to address the **adequacy and effectiveness of the measures** adopted/envisaged by the respondent state or available under existing domestic law and practice to provide individual redress.

If the IM appear to require **the prior adoption of general measures** (e.g. a new law on reopening of proceedings or revision of the time limits for reopening), it is important to indicate this and provide a reasoned view on how such measures should be conceived.

C. General measures (GM)

GM aim to prevent recurrence of violations similar to those found, to provide redress to the extent possible for violations already committed, to put an end to continuing violations.

As with IM, it is important for NHRIs and NGOs to indicate whether the measures already taken or envisaged by the respondent state in the action plan or action report are sufficient for the purpose of execution or whether additional measures are necessary. If not, identify clearly what needs to change.

There is added value if **alternatives to GM** proposed/envisaged by the respondent state can be presented.

Bear in mind that expert advice may be available from Council of Europe bodies or institutions (e.g. CommHR, CPT, CEPEJ, ECRI).

Also bear in mind the expert advice available from other international organisations (e.g. UN Treaty Bodies, UN Special Procedures, FRA).

III. Other practical issues

Under the CM's rules of procedure, the respondent state is required to submit an action plan or action report at the latest six months after the date on which the Court's judgment becomes final. The national reflection procedure should, therefore, start shortly after the judgment becomes final. The views of NHRIs and NGOs may sometimes be useful at an early stage.

All action plans and action reports submitted by respondent states are immediately posted on the [CM website](#) ("Documents" – "Latest DH docs") and available on [HUDOC-EXEC](#), except in the very rare cases where a request for confidentiality is made by the state concerned.

After a CMDH meeting, the **order of business of the meeting, with the relevant decisions and other documents**, are published on the Execution Department's webpage on [CMDH meetings](#).

NHRIs and NGOs can check the **preliminary draft list of cases** proposed for detailed examination for the next CMDH meeting on the home page of the [Execution's Department website](#). This list is available online after each CMDH meeting, together with the list of cases listed for detailed examination at future HR meetings by decisions of the Committee.

Communications may be sent to:

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